

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Dec 04, 2024

SEAN F. McAVOY, CLERK

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Eric Alexander Benka

Case Number: 0980 2:18CR00170-TOR-1

Address of Offender: [REDACTED] Spokane, Washington 99224

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: September 12, 2019

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2552A(a)(2), (B)(1)

Original Sentence: Prison - 60 months
TSR - 120 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison L. Gregoire

Date Supervision Commenced: October 3, 2023

Defense Attorney: Federal Defenders Office

Date Supervision Expires: October 2, 2033

PETITIONING THE COURT

To issue a summons.

On October 5, 2023, the offender's conditions of supervised release were reviewed by the probation officer and he signed said conditions acknowledging he understood his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

- | | |
|---|---|
| 1 | <u>Special Condition #14:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances. |
|---|---|

Supporting Evidence: The offender is alleged to have violated special condition number 14 by ingesting a controlled substance, marijuana, from approximately July to October 31, 2024.

On October 31, 2024, the offender provided a urine specimen at the U.S. Probation Office that returned presumptive positive for marijuana. At that time, he signed an admission form acknowledging use of said substance. He also disclosed to the probation officer he had been using marijuana daily for approximately 3 months. It should be noted, Mr. Benka has submitted urinalysis tests on November 7 and November 21, 2024, which have also been confirmed positive for marijuana. This officer intends to request a level interpretation to determine if he has reused marijuana since October 31, 2024, and the Court will be advised accordingly.

Prob12C

Re: Benka, Eric Alexander
December 4, 2024
Page 2

- 2 **Special Condition #15:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: The offender is alleged to have violated special condition number 15 by consuming alcohol from approximately July to November 20, 2024.

On November 21, 2024, the offender submitted a urine specimen at Pioneer Human Services (PHS) that returned positive for alcohol. At that time, he signed an admission form acknowledging use of alcohol on or about November 20, 2024. During a subsequent discussion with the offender, he disclosed that he has been consuming three alcohol beverages daily since approximately July 2024.

- 3 **Standard Condition # 4:** You must be truthful when responding to the questions asked by the probation officer.

Supporting Evidence: The offender is alleged to have violated standard condition number 4 by being untruthful with the probation officer on several occasions when questioned about his sobriety.

During contacts with the offender on August 29, September 30, and October 25, 2024, the probation officer questioned the offender about his sobriety, at which time he responded he was maintaining his sobriety. As alleged in violations number 1 and 2, the offender was ingesting marijuana and alcohol during this time period and was thus untruthful when responding to questions asked by the undersigned. When confronted about his dishonesty, Mr. Benka acknowledged he failed to be truthful with the probation officer regarding his use of substances.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 4, 2024

s/Lori Cross

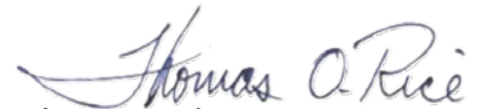
Lori Cross
U.S. Probation Officer

Prob12C

Re: Benka, Eric Alexander**December 4, 2024****Page 3**

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

December 4, 2024

Date